

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00193

Robert Troy McClure,
Plaintiff,

v.

Unknown Duty Warden et al.,
Defendants.


ORDER

Plaintiff Robert Troy McClure, an inmate in the Texas prison system, filed this lawsuit against defendants Unknown Duty Warden, Unknown Townsend, Unknown Collum, Unknown Party, and Unknown Jorden, pursuant to 42 U.S.C. § 1983. Plaintiff's claims against Unknown Party and Unknown Jorden were severed and transferred to the Southern District of Texas. Doc. 3. The remaining case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation (Doc. 4) concluding that plaintiff's complaint should be dismissed with prejudice for purposes of in forma pauperis proceedings pursuant to the three-strikes provision of 28 U.S.C. § 1915(g). Plaintiff filed objections to the report. Doc. 6.

When a party files specific written objections to a magistrate judge's report and recommendation, the court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which [an] objection is made." 28 U.S.C. § 636(b)(1)(C). General, vague, conclusive, or frivolous objections, however, will not suffice. *See Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). In such cases, the court will only review the magistrate judge's findings to determine if they are clearly erroneous or contrary to the law. *See Gallegos v. Equity Title Co. of Am., Inc.*, 484 F. Supp. 2d 589, 591 (W.D. Tex. 2007) (citations omitted).

Here, plaintiff's objections largely restate the allegations listed in his complaint. To the extent that facts alleged in plaintiff's objections conflict with the magistrate judge's characterization in the report and recommendation, the discrepancies claimed do not make a difference in concluding that plaintiff has failed to demonstrate that an ongoing pattern of misconduct evinces a likelihood of imminent, serious bodily injury. Having reviewed the magistrate judge's report and recommendation as well as the objections, the court overrules the plaintiff's objections and accepts the magistrate judge's findings and recommendations. The court orders that plaintiff's civil rights action is dismissed with prejudice for purposes of proceeding in forma pauperis pursuant to the three-strikes provision of 28 U.S.C. § 1915(g).

So ordered by the court on August 25, 2021.



J. CAMPBELL BARKER
United States District Judge